

March 31, 2010

Melanie L Wenger, Director
Montgomery County Office of Intergovernmental Relations
Executive Office Building
101 Monroe Street, 4th Floor
Rockville MD 20854-2240

Dear Ms. Wenger:

The Pedestrian and Traffic Safety Advisory Committee's (PTSAC) mission is to provide advice to the Montgomery County Council and County Executive officials on the priorities and needs for pedestrians and bicyclists. The PTSAC has identified three significant issues that affect the safety of bicyclists. Currently, legislation addressing these issues is under consideration in the General Assembly. As these issues have significant ramifications for the safety of bicyclists in Montgomery County, the PTSAC is requesting the Office of Intergovernmental Relations communicate the Committee's concerns regarding these issues to the appropriate members of the General Assembly.

These are the issues of concern and our recommended action.

1. Repeal the mandatory use of shoulders by bicycles (*HB 1193, cross filed with SB 624*) – The current ill-defined and confusing mandatory shoulder use rule should be repealed to provide a consistent understanding of the proper operation of a bicycle and to promote safety for both cyclists and motorists. The law specifies that bicyclists must use the shoulder when it is safe and available to do so. However, the determination of “safe” is highly subjective due to the varying experiences and comfort levels of different bicyclistsⁱ. One bicyclist may perceive that some gravel or other debris on a shoulder presents no significant hazard, while another bicyclist may not feel that the same shoulder is safe to ride on and will move into the adjacent travel lane. In the event of a crash involving a bicyclist and motorist, the use of the shoulder versus the travel lane will affect the determination of fault. In a crash where the bicyclist is killed and only the surviving motorist can provide a first-hand account, police crash reconstructionists have no objective standard with which to assess the legal right of way of the bicyclist. In addition, shoulders may widen or narrow dramatically within relatively short distances. In this situation, the current law requires bicyclists to continually move into and out of the travel lane, a movement that is clearly unsafe and not supported by trained bicycling educatorsⁱⁱ. In such situations, the safest operation is to maintain a constant travel lane position to avoid confusing motorists.
2. Riding through a crosswalk (*also HB 1193 cross filed with SB 624*) – Improve access, predictability, and safety for all road users by adopting a consistent rule that allows bicyclists and motorists to have a common expectation that a bicyclist riding on the sidewalk and approaching an intersection will continue to ride through the intersection in the crosswalk, in a safe fashion, without having to dismount and walk. In jurisdictions where bicyclists are allowed to ride on the sidewalk, the inconsistent legal treatment of the rights-of-way of pedestrian and bicyclist in crosswalks leads to confusion and danger for drivers, cyclists, and pedestrians.

3. Three-foot passing law (*HB 461 cross filed with SB 51*) – The legislature should adopt a three-foot passing law stipulating that motorists and bicyclists shall provide each other with three feet of clear space while passing, regardless of who initiates the passing maneuver and independent of the roadway width. The objective of this new provision is to ensure that vehicles sharing the use of the road pass each other in a safe fashion and give both motorists and bicyclists a clear and simple definition of a safe passing distance. Currently, even law enforcement training instructors are unclear as to what a safe passing distance is.

Bicycling is an activity that provides significant health and environmental benefits and is one of the best modes of transportation people can choose for commuting and utilitarian travel. Our committee recommends the above modifications to Maryland law to reduce confusion over the rules of the road and the potential for road rage and aggressive driving or riding incidents. Under current Maryland law, bicyclists have a legal right to travel on the road. We are asking the legislature to amend the law to promote clarity and safety.

If you have any questions, please contact me at your convenience at 301-445-7910.

Sincerely,



Erwin Mack
Chairman

cc: Arthur Holmes, Jr., Director, MCDOT
Steve Friedman, PTSAC Member, Chair, Bicycle Access & Safety Subcommittee

ⁱ http://www.sccrtc.org/bikes/AASHTO_1999_BikeBook.pdf
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